

Assault With Actual Bodily Harm

*A 15 year old girl accused a fellow school
pupil of spreading rumours and then
assaulted her causing actual bodily harm.*

This case concerns Tracy who was the subject of a 6 month Referral Order in respect of an assault (Actual Bodily Harm) on another 15-year-old girl, Samantha who attended the same school. The case had been transferred to the Youth Offending Team (Yot) from a neighbouring larger county authority. The transfer was required due to the fact that Tracy was in a foster placement in a seaside town (where the offence took place). The placement had broken down (as a result of the offending behaviour) between the offence being committed and attendance at the Youth Court. A Referral Panel was set up and the victim and her mother invited to attend. Prior to this meeting Tracy was interviewed at her new foster placement to produce a report for the panel and to inform and prepare her for the forthcoming panel meeting. In tandem with this, an appointment was made to visit Samantha and her mother to explain the Referral Order process and prepare them also for attendance at the panel meeting. Also invited were Tracy's Social Worker and her birth mother.

Panel Meeting

The panel meeting did not get off to a good start, as the victim Samantha was very agitated and nervous. This would be the first time she had seen Tracy since the assault and she was fearful of further violence. The start was also difficult for Tracy as her Social Worker had to inform her that despite promises given, her birth mother would not be attending. This resulted in an angry outburst from Tracy. Samantha outlined what had taken place and how she had been affected by the assault. She had been accosted on the way home from school by Tracy and a group of her friends. Tracy had screamed at her that she, Samantha had told lies about her then started hitting her until she was knocked to the ground, at which point several of the others present also started kicking her. After the assault, Samantha had to receive medical attention at hospital for a number of injuries. Her clothes were torn and her mobile phone was broken in the attack. As a result of the assault, Samantha had not felt safe to go back to school and would not leave her home for fear of meeting Tracy. In effect her life had gone on hold. For her part Tracy explained that she had been told by another girl that Samantha was supposed to have put around slanderous rumours about her. However she had not sought to validate these accusations and had attacked Samantha on the spur of the moment feeling she could not back down in front of her friends. Tracy genuinely appeared to be quite shocked to hear of the effect on Samantha of the attack.

Outcome of the Meeting

After both Samantha and Tracy had explained what had happened on the day, the meeting moved on to drawing up a contract that would assist Tracy to prevent further offending, make reparation to Samantha and give her some assurances around further possible contacts. Tracy was able to apologise to Samantha for the hurt that she had caused and to assure her that it was very unlikely that they would ever meet by accident as they now lived in different areas and if they did there was no possibility of another attack. Furthermore Tracy agreed to pay out of her pocket money for the repair of Samantha's mobile phone on a weekly basis. For Samantha the most important aspect was that she could leave her house and return to school without fear of further attacks. It gave her a sense of closure in that she was now able to move on and resume a normal life again. In the case of Tracy it was an important move forward for her in that she took responsibility for her actions, admitted that she had acted wrongly and now had a clear understanding of the effects her actions had had on Samantha. For her also it was a case of being able to move on and learn from the experience.